

Message Text

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22-12

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 DEAE-00

CIAE-00 INR-07 NSAE-00 SNM-02 /027 W

----- 105164

R 192055Z DEC 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 1976

INFO ALL CONSULATES IN MEXICO

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E.O. 11652: N/A

TAGS: CASC, MX

SUBJ:AMCIT PRISONERS: NOTIFICATION OF ARREST & MISTREATMENT -
MEETING WITH ATTORNEY GENERAL

REF: MEXICO 10993

1. CONGEN, CONSULAR SECTION CHIEF AND POLOFF MET WITH ATTORNEY GENERAL

OJEDA PAULLADA DEC. 17 TO DISCUSS PROBLEM OF LACK OF COMPLIANCE BY
VARIOUS MEXICAN AUTHORITIES WITH AG'S SEPTEMBER ORDER TO NOTIFY US
CONSULS OF ARRESTS OF AMCITS. AG CALLED IN DEPUTY ATTORNEYS
GENERAL ROSALES MIRANDA AND ALBA LEYVA AS WELL AS DR. ALEJANDRO
GERTZ, CHIEF EXECUTIVE OFFICER OF JUSTICE DEPT. AND
PRIMARILY IN CHARGE OF ANTI-DRUG CAMPAING.

2. CG, AFTER AGAIN THANKING AG FOR HIS COOPERATION IN
ISSUEING THE ORDER, NOTED THAT OF 16 ARRESTS OF AMCITS IN
FEDERAL DISTRICT BETWEEN OCTOBER 1 AND DECEMBER 15, IN ONLY
ONE CASE HAD THE EMBASSY RECEIVED NOTIFICATION OF THE ARREST,
THAT BY A CALL FROM THE ARRESTEE HIMSELF, IN OTHER
CASES, EMBASSY HAD LEARNED OF ARREST THROUGHT NEWSPAPER,
DURING PRISON VISIT, OR OTHERWISE THROUGH SOURCES OTHER
THAN GOM OFFICIALS. AND IN MANY CASES THE ARRESTEE HAD
BEEN REFUSED THE RIGHT TO CALL EMBASSY. SITUATION IN
OTHER CONSULAR DISTRICTS WAS OUTLINED, MOST FOLLOWING
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THE PATTERN OF THE EMBASSY'S DISTRICT. CG STATED

EMBASSY UNDERSTOOD DIFFICULTIES INVOLVED IN LARGE COUNTRY IN GETTING WORD DOWN TO VARIOUS POLICE LEVELS, BUT OPINED THAT THERE CLEARLY WAS A COMMUNICATIONS PROBLEM, PARTICULARLY WHEN FEDERAL OFFICIALS IN THE FEDERAL DISTRICT ITSELF SEEM NOT TO HAVE GOTTEN THE WORD OR ELSE SEEMED UNWILLING TO COMPLY WITH THE ORDER.

3. AG APPEARED GENUINELY SURPRISED AND IRRITATED WITH THE RECORD OF NON-COMPLIANCE, PARTICULARLY BY OFFICIALS IN THE FEDERAL DISTRICT. HE GAVE EXPLICIT INSTRUCTIONS TO DEPUTY ALBA LEYVA TO REPEAT THE ORDER AND TO INSURE THAT ITS CONTENTS WERE MADE KNOWN TO APPROPRIATE OFFICIALS. EMBOFFS OFFERED TO PROVIDE AG WITH DETAILED WRITTEN DESCRIPTION, BY CONSULAR DISTRICT, OF EXPERIENCE WITH NOTIFICATION SINCE AG'S ORDER, WHICH AG ACCEPTED. (PROMPTNESS WITH WHICH AG AGREED TO REQUEST FOR MEETING PRECLUDED PRIOR PREPARATION OF SUCH INFORMATION IN PROPER FORM.)

4. DURING TEMPORARY ABSENCE OF AG FROM MEETING, CG RAISED QUESTION OF COMPLIANCE BY STATE AND LOCAL OFFICIALS WITH NOTIFICATION PROCEDURE. DEPUTY AGS NOTED THAT MEXICO HAS FEDERAL SYSTEM SIMILAR TO THAT OF US AND THAT JURISDICTION AND AUTHORITY OF FEDERAL GOVERNMENT EXTENDED ONLY TO FEDERAL OFFICIALS. EMBOFFS POINTED OUT THAT, ALTHOUGH UNDERSTANDING THE DIFFICULTIES, OBLIGATIONS UNDER US-MEXICAN BILATERAL CONSULAR CONVENTION AND VIENNA CONSULAR CONVENTION WERE THOSE OF MEXICO AND NOT JUST THE FEDERAL PART OF THE GOM. WE DESCRIBED DEPARTMENT PROCEDURE (PRESUMABLY STILL IN EFFECT) WHEREBY EACH YEAR LEGAL ADVISER'S OFFICE SENDS LETTER TO GOVERNORS OF THE STATES DESCRIBING THE NOTIFICATIONS AND ACCESS PROVISIONS OF VARIOUS TREATIES AND REQUESTING THAT SUCH INFORMATION BE MADE AVAILABLE TO STATE AND LOCAL OFFICIALS. WHEN SUBJECT AGAIN RAISED AFTER AG'S RETURN TO MEETING, HE CLEARLY OVERRULED HIS DEPUTIES AND STATED THAT THE OBLIGATIONS UNDER THE CONVENTION WERE THOSE OF ALL MEXICAN OFFICIALS AND THAT IT WAS HIS OBLIGATION TO SEE THAT THEY WERE FULFILLED. BUT HE ALSO NOTED DIFFICULTIES IN OBTAINING COMPLIANCE AT LOCAL LEVELS AND SUGGESTED LIMITED OFFICIAL USE

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IT MIGHT USEFULLY BE RAISED WITH GOBERNACION.

5. EMBOFFS ALSO RAISED PROBLEM OF PHYSICAL MISTREATMENT OF ARRESTEES, NOTING THAT IN GREAT MAJORITY OF CASES THEY ALLEGED SUCH MISTREATMENT ALTHOUGH, AT THE SAME TIME, THEY USUALLY REQUESTED THAT NO PROTEST BE MADE BECAUSE THEY FEARED FURTHER MISTREATMENT MIGHT RESULT. IN AG'S ABSENCE, DEPUTIES, AS USUAL, DENIED THAT MISTREATMENT

OCCURS ALTHOUGH AG DID NOT ECHO THIS REFRAIN WHEN HE REJOINED MEETING. AS PREDICTED REFTEL, AG AND DEPUTIES STATED THEY COULD NOT INVESTIGATE AND TAKE APPROPRIATE ACTION UNLESS THEY WERE PROVIDED WITH SPECIFICS IN EACH CASE. THEY OFFERED, HOWEVER, TO INVESTIGATE EACH CASE AND STATE THAT SUCH ALLEGATIONS SHOULD IMMEDIATELY BE BROUGHT TO THE ATTENTION OF EITHER OF THE DEPUTY AGS.

6. WE WILL PURSUE THIS FURTHER WITH BOTH AG'S OFFICE AND GOVERNACION.
JOVA

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